

Remarks

Claims 1-18 are pending in the instant application. Claims 2-4 and 11-18 are indicated as including allowable subject matter. The other claims are rejected. None of the claims are amended herein.

Allowable Subject Matter

Applicant gratefully acknowledges the finding by the Examiner that Claims 2-4 and 11-18 include allowable subject matter. The Examiner has indicated that these claims would be allowable rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant respectfully declines to make such an amendment at the present time since it is submitted that Claim 1 (from which Claims 2-4 each depend) and Claim 7 (from which Claims 11-18 each depend) are presently in condition for allowance. If the Examiner ultimately does not agree with the arguments set forth below in favor of the allowability of Claims 1 and 7, Applicant would be willing to make the suggested amendment.

Claim Objection

The Examiner has suggested that the element "lock spread rod" should be changed to be "lock spread member" or equivalent term to improve the quality of the claim language. Applicant would respectfully decline to make the suggested change inasmuch as the terminology "lock spread rod" is used consistently throughout the specification and the claims. It is submitted that the current terminology "lock spread rod" is unequivocal, and that an amendment to call the same element a "lock spread member" would introduce ambiguity into the claims because, for example, it would employ terminology used nowhere else in the application. By way of further example, the use of the terminology "member" to refer to the lock spread rod but not to the operating spread rod would imply some type of distinction between the lock spread rod/member and the operating spread rod that is wholly unnecessary and is not reflected by the specification. The Examiner is respectfully requested to withdraw the objection.

Rejection under 35 U.S.C. § 102(b) over USPN 6,648,276 to McQuistian

The Examiner has rejected Claims 1 and 5-6 as being anticipated by McQuistian. The rejection is respectfully traversed.

In particular, the Examiner takes the position that McQuistian discloses a point detector connecting rod (44) that is substantially straight and at least partially threaded. Applicant would respectfully disagree and would point out that the identified point detector connecting rod (44) of McQuistian is neither substantially straight nor is at least partially threaded. The point detector connecting rod (44) is depicted in Fig. 6 of McQuistian as having a bend formed in the left end thereof (from the perspective of Fig. 6) that forms an angle of about 60°. Applicant would additionally point out that McQuistian states at Column 8, lines 9-11, "it being understood that the point detector connecting rod (44) includes a *curved* leg that connects with the point connector 48". Emphasis added. It is submitted, therefore, that the identified point detector connecting rod (44) is not substantially straight and thus does not meet the recitations of Claim 1.

It is further submitted that one end of the point detector connecting rod (44) is mounted to a point connector (48), which allows a certain degree of mobility, and its opposite end is connected to a lug (12) using a bolt (172). The point detector connecting rod (44) of McQuistian is submitted to be entirely unthreaded.

It is thus submitted that the rejection of Claims 1 and 5-6 on the ground of anticipation over McQuistian has been successfully overcome. Withdrawal of the rejection is thus earnestly solicited.

Rejection Under 35 U.S.C. § 103(a) Over

McQuistian in view of Click et al. (U.S. Patent No. 6,453,727)

Claims 7-10 are rejected on the ground of obviousness over McQuistian in view of Click et al. The Examiner takes the position that McQuistian discloses all of the elements of Claims 7-10 except for the use of hollow ties. The Examiner states, however, that it would have been obvious to employ the teachings of McQuistian with hollow ties in order to protect a linkage assembly from damage during maintenance of the track assembly. Applicant would respectfully disagree.

As an initial matter, it is noted that Claim 7 recites "the operating spread rod, the operating connecting rod, the lock spread rod, the lock connecting rod, and the point detector

connecting rod each being substantially straight and at least partially threaded." As set forth above in the context of Claims 1 and 5-6, it was demonstrated that McQuistian at most discloses a point detector connecting rod (44) that is not substantially straight and is not at least partially threaded. It is submitted that the references, whether that is considered individually or in combination, fail to teach or suggest "the operating spread rod, the operating connecting rod, the lock spread rod, the lock connecting rod, and the point detector connecting rod each being substantially straight and at least partially threaded." It is thus submitted that the rejection on the ground of obviousness has been successfully overcome.

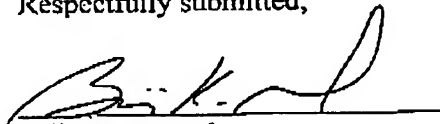
It is also submitted that Click et al. at most discloses U-shaped ties that provide no protection whatsoever to the linkage assembly. The linkage assembly of Click, et. al. is not configured to include rods that are substantially straight and at least partially threaded, and such a rod configuration is unnecessary because the tops of the hollow ties of Click, et. al. are open to permit the various components of the linkage assembly to easily extend between the interior of the hollow tie and the exterior of the hollow tie. It is submitted that the hollow ties of Click, et. al. are not employed in a fashion that would make advantageous a linkage system that includes a plurality of rods that are each substantially straight and at least partially threaded, as in the claimed invention.

It is thus submitted that the rejection on the ground of obviousness has been successfully overcome for this reason as well. Withdrawal on the rejection on the ground of obviousness is thus respectfully requested.

Conclusion

For the foregoing reasons, Claims 1-18 are submitted to be presently in condition for allowance. A Notice of Allowance as to Claims 1-18 is thus earnestly solicited. If any matters remain unresolved, a telephone call to the undersigned would be welcomed.

Respectfully submitted,



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